

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:)	Case No. 10-40875
)	
AFY, INC.,)	Chapter 11
)	
Debtor.)	

**MOTION FOR APPROVAL OF AUCTION SALE OF PERSONAL PROPERTY
AND EQUIPMENT FREE AND CLEAR OF LIENS
WITH THE LIENS ATTACHING TO THE PROCEEDS**

COMES NOW Joseph H. Badami, Chapter 11 Trustee herein, and hereby moves the court to enter an order approving the auction sale of personal property and equipment and in support thereof shows the court the following:

1. The Debtor filed a voluntary petition under Chapter 11 of the Bankruptcy Code on March 25, 2010, and Joseph H. Badami was appointed Trustee of the Debtor's estate on May 6, 2010 (Fil. # 90).
2. The Debtor's bankruptcy schedules list an ownership interest in various items of personal property and equipment, including vehicles, trailers and farming equipment, a copy of which is attached as Exhibit "A."
3. The Equipment, vehicles and trailers are subject to a lien to Farm Credit.
4. The Trustee has employed Tasler Auction Service, Inc. (the "Auctioneers"), to auction the aforementioned property and the Auctioneers propose to auction said property to the highest bidder on July 30, 2010, at 9:00 a.m., at an auction to be held at the Office of the Debtor, in Ainsworth, Nebraska, believed to be R.R. 1, P.O. Box 267, Ainsworth, Nebraska 69210 (the "Feedlot").

5. The Auctioneers will receive from the proceeds of the sale the following fees and expenses:

Commission:	4% of the gross sale proceeds
Advertising:	\$15,000.00
Labor:	\$20,000.00
Supplies	\$3,000.00
Gas & Diesel fuel	\$1,000.00
Internet bidding	\$3,000.00

6. The list of equipment, vehicles and trailers to be auctioned is attached hereto as Exhibit "A." The lien of Farm Credit will attach to the sale proceeds from the collateral on which Farm Credit claims a lien.
7. The excess proceeds from the property sold will be the property of the estate and will be free and clear of liens.
8. The auction sale is in the best interest of the Debtor's estate and creditors thereof.
9. After payment of expenses of the auction, the Trustee will hold the balance of the proceeds until such time as the Trustee determines the allocation of the proceeds and the costs of the sale and an order of the court is entered approving such allocation.

WHEREFORE, the Trustee prays that the court enter an order approving the auction sale of the equipment, vehicles and trailers described herein free and clear of liens with the liens attaching to the proceeds as determined by subsequent court order and for such other and further relief as the court deems just and equitable in the premises.

Dated: June 8, 2010.

JOSEPH H. BADAMI, Trustee

By: 
s/ Joseph H. Badami
Joseph H. Badami, No. 10155
WOODS & AITKEN LLP
301 South 13th Street, Suite 500
Lincoln, Nebraska 68508
Telephone: (402) 437-8500
Facsimile: (402) 467-8558
Email: jbadami@woodsaitken.com

NOTICE OF OBJECTION/RESISTANCE DEADLINE

TO: The Debtor, Debtor's Attorney, Creditors and Other Interested Parties.

Please take notice that on June 8, 2010, the foregoing **Motion for Approval of Auction Sale of Personal Property** (the "Motion") was electronically filed with the United States Bankruptcy Court for the District of Nebraska. Anyone who desires to object or resist said Motion shall have until **June 29, 2010**, to file an objection or resistance with the Clerk of the United States Bankruptcy Court, 460 Federal Building, 100 Centennial Mall North, Lincoln, Nebraska 68508, and serve a copy on the undersigned. In the event that there is an objection or resistance filed, the Clerk of said Court will set a date and time for hearing on the objection or resistance. If objections or resistances are not filed, the Court will consider the entry of an Order granting the Motion without further notice or opportunity to be heard.

Please take notice that the provisions of Neb. R. Bankr. P. 9013-1 will apply to any objections or resistances that are filed.

s/ Joseph H. Badami
Joseph H. Badami, Chapter 7 Trustee

CERTIFICATE OF SERVICE

I hereby certify that on June 8, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

Patricia Fahey	ustpregion13.om.ecf@usdoj.gov
Jeffrey P. Galyen	jeff@krotterhoffman.com
	efiling@krotterhoffman.com
Richard P. Garden	rgarden@clinewilliams.com
	dhilger@clinewilliams.com
Jerry L. Jensen	Jerry.L.Jensen@usdoj.gov
Brian J. Koenig	brian.koenig@koleyjessen.com
	brianjkoenig@gmail.com
	teri.gibbons@koleyjessen.com
Joel G. Lonowski	jlonowski@morrowpoppelaw.com
Stephen D. Mossman	sdm@mattsonricketts.com
	cdb@mattsonricketts.com
	krh@mattsonricketts.com
Richard D. Myers	rdm@mgwl.com
James A. Overcash	jovercash@woodsaitken.com
	dstangl@woodsaitken.com
Frank M. Schepers	fschepers@ldmlaw.com
	virginia@ldmlaw.com
Jerrold L. Strasheim	jls@strasheimlaw.com
Donald L. Swanson	don.swanson@koleyjessen.com
	teri.gibbons@koleyjessen.com
	bridgett.sanne@koleyjessen.com
Brandon R. Tomjack	btomjack@bairdholm.com
	lzeno@bairdholm.com
Russell A. Westerhold	rwesterhold@fraserstryker.com
	ecf-bankruptcy@fraserstryker.com
	ecf-bankruptcy@fslf.com
Michael J. Whaley	mwhaley@grosswelch.com
T. Randall Wright	rwright@bairdholm.com
	jsvoboda@bairdholm.com
	ecf-bankruptcy@bairdholm.com

and I hereby certify that I have mailed by United States Mail, postage prepaid, the foregoing document to all other non-CM/ECF participants listed on the Debtor's matrix.

s/Joseph H. Badami

Joseph H. Badami, Chapter 7 Trustee